

Honolulu, Hawaii

February 11, 2014

RE: H.B. No. 2302
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2302
entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIORAL SUPPORT REVIEW OF
RESTRAINTS AND SECLUSION,"

begs leave to report as follows:

The purpose of this measure is to establish a behavioral support review process that allows the Department of Health to conduct multidisciplinary reviews of restraints or seclusion used on persons with developmental or intellectual disabilities. This measure also exempts agencies and individuals participating in these multidisciplinary reviews from civil or criminal liability for the use and review of information, records, and activities pertaining to the reviews.

The State Council on Developmental Disabilities and an individual supported this measure. The Hawaii Association for Justice opposed this measure.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

HB2302 HD1 HSCR HLT HMS 2014-1751



Should the Committee on Judiciary hold a public hearing on this measure, your Committee respectfully requests it to consider the concerns raised in testimony of the Hawaii Association for Justice.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2302, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2302, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,

DELLA AU BELATTI

DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: <i>HB 2302</i>	Committee Referral: <i>HLT. JUD</i>	Date: <i>2/5/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo		✓		
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.		✓		
9. WOODSON, Justin H.				✓
10. MATSUMOTO, Lauren Kealohilani	✓			
TOTAL (10)	6	2		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				